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011459Z Oct 03

C O N F I D E N T I A L SECTION 01 OF 03 ANKARA 006163

SIPDIS

E.O. 12958: DECL: 10/01/2008

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [TU](#)

SUBJECT: TURKEY: VIEW FROM THE HEARTLAND III: KURDS IN SOUTHEAST SAY EU REFORMS NOT IMPLEMENTED

REF: A. ANKARA 6140

[B.](#) ANKARA 5563

(U) Classified by Polcouns John Kunstadter; reasons 1.5 b and d.

[¶](#)1. (C) Summary: Kurds in the southeast insist recent human rights reforms have not been implemented, and that practices such as torture, lack of attorney access for detainees, and restrictions on the use of the Kurdish language continue unabated. Even if the reforms are implemented in the rest of Turkey, they doubt they will see real change in the southeast. Even under the best of circumstances, it will take time for the GOT to fully implement the reforms. End Summary.

[¶](#)2. (U) Embassy Human Rights Officer and EUR/SE Desk Officer traveled to the southeastern provinces of Diyarbakir, Batman, Sirnak, and Mardin September 23-26 and met with human rights activists, security officials, mayors, governors, attorneys, doctors, and religious leaders. Adana PO also participated in portions of the visit as part of a longer orientation tour. This report, as well as reftel A, is based on these meetings.

Double-Standard for Southeast

[¶](#)3. (C) Turkish human rights advocates and outside observers have praised the wide array of EU-related human rights reforms adopted by the Turkish Parliament since mid-2001 and also point out the slow pace of implementation. EU officials have told the GOT Turkey's candidacy will depend heavily on its ability to implement the reforms it has adopted (reftel B). A number of GOT contacts say they accept this challenge, and the GOT has established a minister-level committee to monitor implementation. In this light the gap between law and practice is acutely felt in Turkey's troubled, Kurdish-dominated southeast, where human rights abuses appear to remain common. Our Kurdish contacts asserted to us there is a double standard between the southeast and the rest of Turkey. Even if the reforms are implemented elsewhere, southeastern Kurds doubt whether they will see any change in the region. "People here have been disappointed so many times that they don't believe promises," said Nezahat Dagtekin, director of ART Radio/TV in Diyarbakir. "They believe what they can actually see."

[¶](#)4. (U) Our contacts reported a general lack of progress in a number of human rights fields. For example:

Torture

[¶](#)5. (C) Representatives of the Human Rights Foundation (HRF) office in Diyarbakir, which operates a torture treatment center, told us that legal reforms designed to crack down on torture have not caused a decrease in the practice. They said torture cases have dropped significantly since the height of the PKK conflict in the mid-1990s, but only because the number of detainees has decreased. Physicians at the treatment center showed us pictures of patients with obvious injuries they said were caused by torture in detention. They claimed that all the patients came to the HRF center after being examined in detention by a doctor who falsely reported observing no signs of torture. Necdet Ipekyuz, president of the Chamber of Doctors in Diyarbakir, said police and Jandarma often remain in the room when doctors examine detainees, in violation of privacy regulations, thereby intimidating doctors who would otherwise report evidence of torture. These views were mirrored by other human rights

activists with whom we spoke, with the exception of members of the Batman Human Rights Association (HRA) and Bar Association, who reported a sharp decrease in torture cases in the province. However, our Batman contacts said that authorities continue to protect police when torture incidents occur. HRF representatives said recent amendments decreasing the maximum detention period from 10 days to seven days has forced police to use torture methods that do not leave telltale marks. As a result, there is a greater reliance on methods such as: slapping, exposure to cold, sleep and food deprivation, and threats and mock execution. There is a reduced use of: electric shock, beating on the soles of the feet (falaka), pressure hose, and hanging by the arms.

Attorney Access

16. (C) Our contacts agreed that authorities have not implemented a January reform extending the right of immediate attorney access to all detainees. Sezgin Tanrikulu, president of the Diyarbakir Bar Association, said Diyarbakir police rarely contact the Bar Association concerning detainees, and estimated that only 5 percent of detainees in the province consult with attorneys. Tanrikulu said police do not inform detainees of their right to attorney access at no cost. When detainees request an attorney, police often warn that if they insist on attorney access while in detention a court will assume they are guilty at trial. Other human rights activists in the southeast supported Tanrikulu's views, which are also consistent with what Ankara HRA and HRF officials have told us about the situation nationwide.

Kurdish Language Rights

17. (C) Recent reforms loosening restrictions on the use of Kurdish have yet to be implemented nationwide. But our contacts told us the restrictions have always been tightest in the southeast, often extending beyond the regulations. Dagtekin, of ART Radio/TV, said local authorities continue to periodically close her station for broadcasting Kurdish songs, despite the fact that the Culture Ministry has approved the songs. Local officials claim the lyrics contain separatist propaganda, but they are only traditional love songs, she said. Dagtekin averred that stations in Istanbul, Ankara and other cities outside the region broadcast the same songs without drawing any reaction. "The use of Kurdish is more sensitive here," she said. Naci Sapan, president of the Southeast Journalists Association, said it will take time for local authorities to accept the idea of Kurdish-language broadcasts. Even once the legal framework is fully established, most regional figures will avoid speaking Kurdish on the air, for fear of official harassment. The first Kurdish-language non-music programs will likely feature human rights activists who have been taken to court so many times they have lost their fear of the State. Then, gradually, the voices will multiply, he predicted.

18. (C) Tanrikulu said authorities continue to prohibit the use of Kurdish names for children, despite a legal amendment intended to end the practice. He noted that the GOT on September 24 issued a circular advising authorities of the new regulations. At the same time, however, the circular prohibits the use of Kurdish letters not found in Turkish (q, w, x), a restriction rendering the reform meaningless in many cases, he complained.

19. (C) We note, however, that as humiliating as this bureaucratic obstructionism is, Kurds are finding ways around it. For instance, the words "Kurdistan" and Mesopotamia" are taboo. Kurds have now started to use the word GAP (the normal abbreviation for the Turkish State's pharaonic dam and irrigation Southeast Anatolia Project) to refer to their homeland, and the name of the Hotel GAP in the heart of the capital Ankara is a source of mirth for activist Kurds who congregate there. Moreover, Kurds are beginning to shrug their shoulders at the refusal of registry offices to accept names with letters not in Turkish. Heja Elci (himself with a Kurdish name that his father, prominent Kurdish nationalist Serafettin Elci was able to bestow on him when Kurdish names were not taboo) insisted that the Ankara registry office accept "Mexar" as the name for his son. When the office refused to use an "x", Elci substituted an "h", but told us Sept. 24 that any Kurd reading the name will pronounce it in the Kurdish "kh" way.

Comment

¶10. (C) Even under the best of circumstances, the current GOT does not have the influence to gain full control of the law enforcement bureaucracy and ensure full implementation of the reforms quickly, whether in the west or southeast. Practices such as torture and censorship are deeply rooted among officials at all levels, as is the heightened fear among officials in the southeast that Kurdish cultural expression will lead to separatism. The GOT can help expedite change by enhancing training for law enforcement and judicial officials on the new laws and sentencing police who commit torture to jail terms.

EDELMAN